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## **Free cigarettes key strategy for tobacco industry, challenge for Public Health**

*by Sarah Ross-Viles*

Turns out there is no such thing as a free cigarette. The tobacco industry, however, gives away cigarettes as a strategy to get young people to start smoking and keep smokers from quitting.

### **GIVE IT AWAY: A PROFITABLE WAY TO SELL TOBACCO**

A key strategy the tobacco industry uses to recruit and retain smokers is to make it easier to obtain. One way the industry makes it easier to get tobacco is by giving away packs of cigarettes for free.

This kind of marketing is called sampling. Tobacco companies put many resources into sampling: in 2008 alone, 55,000 packs of free cigarettes hit King County.

Cigarette sampling occurs in bars and at concerts - cool social scenes for young adults (sampling is only permitted at adult-only venues). These sites are picked specifically, and the owners are often paid to allow the sampling. When free cigarettes are available smoking becomes a socially normal part of the scene. Most of these sites usually serve alcohol, and people who are drinking can be more likely to try smoking or continue smoking, even though they know it is harmful.

Even people who do not smoke and do not intend to try smoking themselves may pick up a free pack. Cigarettes in King County can cost as much as \$10.00 a pack, so a free pack is a valuable gift to give to a friend. Since minors are some of the most price-sensitive smokers, they would have the most interest in a free pack from the adult world of a bar or club.

Policies that make it harder to obtain tobacco are proven successful in increasing the number of people who quit smoking and reducing the number of young people who start. Examples of such policies are raising the price of cigarettes by increasing taxes and outlawing the sale of tobacco to minors. Policies like these are a key part of a comprehensive tobacco prevention program.

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**(Continued)**

**WHAT HAPPENED TO THE SAMPLING BAN?**

Three years ago giving away free cigarettes was illegal in King County (and Washington?). Seattle Municipal Code, King County Board of Health Code and state law all banned sampling of all tobacco products. The state ban started in 2006, however soon after the ban RJ Reynolds, the makers of Camel tobacco products, sued the state, city and county on the legality of the sampling bans. The suits alleged that the Federal Cigarette Labeling and Advertising Act (FCLAA) pre-empted local prohibitions on sampling.

FCLAA's role when it became a law in 1965 was to make uniform requirements and limitations on labeling and promoting cigarettes. Health advocates in Congress approved of FCLAA when it passed because it contained landmark controls on tobacco advertising, such as cigarette packs displaying a health warning and a prohibition on radio and television ads for cigarettes. Four decades later, the FCLAA appears a win for the tobacco industry as well. The law contains a pre-emption clause that no state can make its own rules about cigarette promotions.

Federal courts in Washington determined that this pre-emption applied to the sampling bans in Seattle, King County and the state. In a settlement with RJ Reynolds, King County agreed to not enforce the ban on sampling.

**72,430 PACKS AND COUNTING**

All companies that distribute free cigarettes in Washington must obtain a license from the Liquor Control Board (LCB), the agency that regulates tobacco licenses in Washington. They must also provide semi-annual reports to the LCB about how many packs were given out and in which locations. Under a new LCB rule that Public Health helped create, companies must also provide 45 day advance notice of sites and dates where sampling will occur. The LCB is an important partner to Public Health in monitoring sampling in the County.

Reports to the LCB show that the industry did not immediately start sampling after the bans were repealed. By mid-2007, promotions were in full swing. In the year and a half between July 1, 2007 to December 31, 2008, 72,430 packs, or 1,448,600 cigarettes, were given away for free in King County. Most of these packs were from Camel brands, and some were Marlboro (Philip Morris) brands. According to advance notice reports Camel is planning to provide samples in more than 100 venues in King County this fall.

#### WHAT PUBLIC HEALTH IS DOING AND GOOD NEWS FOR THE FUTURE

Public Health knows that cigarette sampling is a key tobacco promotion strategy in King County, and a threat to public health. Our program has several strategies to combat this marketing strategy. The new Federal Family Smoking Prevention and Tobacco Control Act - which gave the FDA regulatory authority over tobacco - repealed the pre-emption in FCLAA. This is good news for us. The Act itself allows us to repeal the King County sampling ban and also outright bans tobacco sampling. The federal ban will be enacted in the summer of 2010, sooner than the County would be able to reinstate the repealed ban.

While free packs of cigarettes in King County have kept people smoking and recruited new smokers in the last two years, the end of this type of marketing is in sight.

In the meantime, one more year without a ban likely means another 60,000 packs of cigarettes or more distributed. Public Health intends to reduce the impact of sampling in the next year by using the advance notice list to monitor sampling events for compliance with sampling rules (occurring in adult-only venues, properly licensed). Public Health will also reach out to bars and events that allow sampling to discuss refusing further sampling and not letting big tobacco use their business as advertising. Helping business owners refuse sampling is part of Public Health's larger project of developing community immunity to tobacco marketing.

If you would like to talk to the businesses you frequent about refusing sampling or to report sampling events that may be out of compliance email [tobacco.prevention@kingcounty.gov](mailto:tobacco.prevention@kingcounty.gov)

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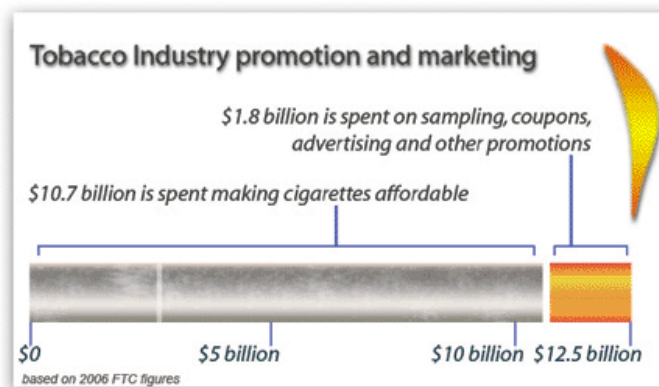
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#### **Graph: Tobacco Industry promotion and marketing**



Tobacco companies have billions of dollars for marketing, and they spend most of it on making tobacco easier to get with sampling, price discounts provided to retailers, promotions of bonus cigarettes

for retailers to give out and coupons. In 2006, the most recent year of reporting, the five biggest tobacco companies spent \$10.7 billion out of a \$12.5 billion budget on making tobacco cheaper. Other advertising consisted of newspaper and magazine ads, direct mailings without coupons and other types of advertising. Making tobacco easier to get is clearly the main strategy of tobacco advertising.

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## **Hookahs: No Safe Alternative**

*by John Bennett*

### **HOOKAH 101**

A hookah is a glass pipe filled with water used for smoking tobacco, marijuana, and other substances such as a tobacco and molasses mixture commonly referred to as shisha. Hookah is often smoked in a social setting where a group of friends gather around a single pipe. Hookah bars or lounges are designed to create a social area where groups can rent hookahs and purchase tobacco.



People who smoke from a hookah often claim that the pipe is less dangerous than cigarettes because the water “cleans” the smoke. In fact, hookah smoking carries all of the health risks associated with cigarettes and other tobacco products. Additionally, because multiple people share the mouthpiece of a hookah, this type of smoking raises concerns about spreading communicable disease. In particular, studies have suggested an increased risk of contracting tuberculosis with hookah use.

Yet the risk of hookahs has not yet stopped their growing popularity, especially among young adults under the legal drinking age looking for an alternative to a bar for an evening out. In the United States, hookah lounges are springing up in urban areas and around colleges. A recent survey of college students in the U.S. found that over 30% reported using hookah within the last year.

Unfortunately, in the last year at least three new hookah bars have opened in King County. Public Health has also received over a dozen inquiries from people interested in opening their own hookah bar.

As the popularity of hookah spreads, business owners are becoming more creative in their attempt to find a loophole in the Washington State Smoking in Public Places Law (RCW 70.160). Despite these efforts, Public Health is not aware of any businesses in King County that are legally allowing smoking.

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The bottom line is that hookah use is a serious public health issue and use is becoming more common in King County. Public Health is working to bring existing hookah bars into compliance with the law while preventing new ones from opening.

If you know of a hookah bar and want to file a complaint please fill out the online form on our website at [kingcounty.gov/health/tobacco](http://kingcounty.gov/health/tobacco).

#### COMMON MISCONCEPTIONS ABOUT HOOKAHS

**Myth:** *The water in the hookah pipe filters out most of the harmful chemicals in the tobacco.*

**Fact:** The World Health Organization reports that a typical one-hour hookah session exposes the smoker to 100 to 200 times the volume of smoke that is inhaled from a cigarette. Hookah smoke contains high levels of nicotine, heavy metals, and carbon monoxide in addition to the hundreds of other chemicals found in cigarette smoke.

**Myth:** *Shisha contains little or no tobacco so it is not as addictive as cigarettes.*

**Fact:** Because hookah smoke is heavily flavored with molasses, fruit, and other ingredients and because it is cooled as it passes through water, users tend to inhale deeper and keep the smoke in their lungs longer- providing more time for nicotine to be absorbed into the system. Nicotine is the addictive chemical in tobacco. Studies have also shown that hookah smoking may serve as a gateway to cigarette smoking and other forms of tobacco use.

**Myth:** *It is legal to have a hookah bar.*

**Fact:** The smoking ban (RCW 70.160) does not make any exceptions for hookah smoking. All places that are open to the public or that have employees are prohibited from allowing smoking of any kind. Public Health views smoking in hookah bars as a violation of the law and will actively enforce the smoking ban in hookah bars just as the law is enforced in any other bar or restaurant.

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### **Policy Update: FDA wastes no time – Launches new Center for Tobacco Products**

*by Scott Neal*

A few short months ago in June, President Obama signed the landmark bill that provides the U.S. Food and Drug Administration (FDA) oversight of tobacco products and in August the FDA opened a new Center for Tobacco Products.

The Center will oversee the implementation of the Family Smoking and Tobacco Control Act, including setting performance standards for tobacco products, reviewing premarket applications for new and modified risk tobacco products, and establishing and enforcing

## **DASA mandates tobacco-free facilities and grounds in 2010**

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advertising and promotion restrictions.

For more detailed information about the Family Smoking and Tobacco Control Act and FDA's responsibilities visit [fda.gov](http://fda.gov).

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## **Division of Alcohol and Substance Abuse (DASA) mandates tobacco-free facilities and grounds by July 1st, 2010**

*by Paul Zemann*

The history of treatment nicotine (tobacco) and other chemical dependencies are closely intertwined. Surprisingly, however, they have not been equally treated, even by treatment facilities and providers. While a client works on other addictions, cigarette use is often ignored and treatment sites have even facilitated smoking with breaks and access to cigarettes.

People facing drug and alcohol abuse have disproportionately high rates of smoking. Studies show that as many as 80 percent of alcoholics smoke regularly and that a majority (over 60%) will die of smoking-related, rather than alcohol-related, disease. Continuing to smoke while treating other drug dependencies can make it easier for someone to relapse into regular drug use.

Providing nicotine dependence treatment and smoke-free grounds to people in chemical dependency treatment improves the working and treatment environment for employees and clients. People who quit smoking lead longer, healthier lives.

In 2006, the Department of Alcohol and Substance Abuse (DASA), which contracts with Washington's chemical dependency treatment centers, issued the Nicotine Dependence Treatment Policy and Implementation Guidelines developed by Washington State Nicotine Policy Advisory Committee. The guidelines contain a voluntary set of recommendations for helping clients treat nicotine dependence and



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introducing smoke-free campuses. Many DASA contractors implemented the guidelines with success.

Starting July 1, 2010, the guidelines will switch from voluntary to mandatory, and become part of centers' contracts with DASA. All contracted and subcontracted agencies will be required to establish tobacco-free facilities and grounds as well as facilitate patient access to nicotine dependency treatment.

For agencies that have not yet made the transition to tobacco-free facilities and grounds, Public Health – Seattle & King County is available for consultation, on-site technical assistance, and professional trainings for staff to help the agency's implementation of the requirements.

For more information, contact us at [Cessation.Partnership@kingcounty.gov](mailto:Cessation.Partnership@kingcounty.gov).